

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.11542 of 2018

ORDER:

The petitioner is the sole accused in C.C.No.152/2018 pending on the file of I Additional Chief Metropolitan Magistrate, Nampally. Taking cognizance of the offences punishable under Sections 427, 447, 188 and 506 IPC, which is outcome of Crime No.24/2018 on the report of the 2nd respondent/defacto complainant dated 06.02.2018, the Police Asifnagar have registered the crime the offences referred supra. Impugning the said crime, the quash petition is filed.

Notice sent to 2nd respondent by registered post returned unclaimed and it is deemed service.

Heard the leaned counsel for the 1st respondent and perused the material on recording including FIR.

Police filed a final report and registered document relating to the property and the civil suit between defacto complainant and the accused pending on the file of the XXI Junior Civil Judge, City Civil Court, Hyderabad in O.S.No.2777 of 2015.

There is no trespassing by the petitioner as alleged by the 2nd respondent much less mischief with regard to the so called passage of the defacto complainant. To believe the case even from the registration of crime, investigation and filing of final report and to take cognizance more particularly from the very suit filed by the defacto complaint as sole plaintiff against the accused and another Khaleel Mohammed Khan in O.S.No.2777 of 2015, in relation to the self same passage mentioned in the plaint schedule at page 7 on the western side of the house bearing H.No.12-2-38, measurement of the passage area 4 X 44 Sq.Fts is also described

in charge sheet in page 2 middle. Once it is the common passage, the question of trespassing does not arise much less mischief and the dispute is purely civil in nature.

Having regard to the above, the proceedings in CC.No.152/2018 are quashed.

Accordingly, the Criminal Petition is allowed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:22.01.2018

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